

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the.

Northern District of New York

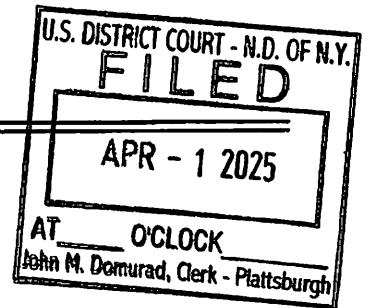
UNITED STATES OF AMERICA

v.

Jose Francisco TUZ DE LA O

Defendant.

Case No. 8:25-MJ-87 (GLF)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 26, 2025, in the county of Franklin in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1326(a)

Offense Description

In that the defendant, an alien, after having been removed from the United States, was thereafter found in the United States without having obtained the express consent of the Secretary of the Department of Homeland Security or his successor for the reapplication for admission into the United States.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

MEGAN E THAYER
Digitally signed by
MEGAN E THAYER
Date: 2025.03.28
10:03:16 -04'00'

Complainant's signature

Special Agent Megan Thayer

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: APRIL 1, 2025
*Judge's signature*City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

1. I, Megan Thayer, am a Special Agent with Homeland Security Investigations (“HSI”). I have been with HSI since July 2022 and have received training at the Federal Law Enforcement Training Center in Glynco, Georgia. I am currently assigned to the Border Enforcement Security Taskforce (“BEST”). BEST is tasked with the enhancement of border security by fostering coordinated efforts among Federal, State and local border and law enforcement officials to protect United States’ border cities and communities from trans-national crime, including but not limited to drug trafficking, arms smuggling, bulk cash smuggling, narcotic trafficking, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States.

2. In addition to my position as a Special Agent, I served as Task Force Officer on BEST from 2019 until 2022. I served as a Customs and Border Protection Officer from 2015 through 2022. I served as a Uniformed Division Officer with the United States Secret Service (“USSS”) from 2009 until 2015.

3. Through my training and experience, I have become familiar with the U.S Immigration and Naturalization Act (INA), and violations of Title 8 of the U.S Code. I have been involved in investigations pertaining to alienage and nationality. I have initiated or supported investigations pertaining to illegal entry of aliens into the United States, issuing notices of inspection and identification and removal of criminal aliens. I have initiated or assisted with immigration operations, including those at Ports of Entry.

4. I make this application based upon my personal knowledge and upon information received by me from other law enforcement officials. The statements of fact contained in this attached sheet are based upon my personal knowledge, participation in the investigation, information provided by other law enforcement agencies, analysis of documents, and my experience and training as a Special Agent. As a result of my participation in this investigation, I am fully familiar with the facts and circumstances of the investigation.

PROBABLE CAUSE

5. On March 26, 2025, Homeland Security Investigations (HSI) agents, assisted by Immigrations and Customs Enforcement (ICE) – Enforcement and Removal Operations (ERO), the United States Border Patrol (USBP) and Federal Bureau of Investigations (FBI) conducted a worksite enforcement I-9 inspection of Flack Farms located at 63 Flack Road, Lisbon, NY 13658.

6. HSI Special Agents (SA) arrived at the office building of the farm and identified themselves as law enforcement and requested to speak with the owner and/or manager. SAs were advised that the owner, Michael FLACK, was not present and was out of the country on vacation. SAs spoke with M. FLACK's father, Timothy FLACK, who oversees the farm and its operations.

7. SAs presented records from previous I-9 inspections conducted at the farm, to include a warning letter that was previously issued to the farm in 2024 for I-9 violations. SAs issued a new Notice of Inspection (NOI) to T. FLACK and requested permission to speak to employees at the farm in order to verify compliance with U.S. hiring and labor laws, specifically pertaining to I-9 compliance. T. FLACK granted consent for SAs to speak with and engage with employees. T. FLACK advised that there were approximately eleven employees total working at the time and of those approximately seven were foreign nationals.

8. SAs located and interviewed eight individuals who were later identified as having no legal status to remain within the United States. One of the subjects, Jose Francisco TUZ DE LA O stated he was a Mexican citizen, who entered the United States without inspection, and was not in possession of any documents that would allow him to enter, remain, or be in the United States.

9. Due to the circumstances, Agents placed TUZ DE LA O under arrest and transported him to the Ogdensburg Border Patrol Station. At the Ogdensburg station, TUZ DE LA O was run through IDENT/IAFIS fingerprinting system revealing that TUZ DE LA O had two prior orders of removal from the United States. TUZ DE LA O was removed from the United States on both July 22, 2019, and October 6, 2019, in Laredo, TX.